

United States Bankruptcy Court  
Eastern District of Texas  
Sherman Division

**In re:**

**Empire Countertops, LLC**

1137 Enterprise Dr.

Pilot Point, TX 76258

EIN: 45-1145076

**Case No. 22-41686-btr**

**Chapter 11**

**Debtor(s)**

**Empire Countertops, LLC,**

Plaintiff

**v.**

**Adversary No. 22-04066**

**JPMorgan Chase & Co., Eagle Eye  
Advance LLC, Block Inc. fka Square Inc.,  
and Last Chance Funding, Inc.**  
Defendants

**ORDER GRANTING PLAINTIFF'S PRELIMINARY INJUNCTION**

On December 15, 2022, the Court heard the application for a preliminary injunction filed by Empire Countertops, LLC (“**Empire**”) whereby Empire seeks the turnover of certain funds. Eagle Eye Advance LLC appeared and opposed the application. Based on the record and arguments presented at the hearing, the Court makes the following findings of fact and conclusions of law:

1. The funds held in JPMorgan Chase & Co. (“**Chase Bank**”) accounts ending 1535, 7160, and 1185, in the amount of \$137,378.23 and the funds held in the Block Inc. account in the approximate amount of \$8,000 are property of the bankruptcy estate under 11 U.S.C. § 541 in Empire’s bankruptcy case (“**Estate Funds**”).

2. The Estate Funds held in the Chase Bank accounts were the subject of a TRO

issued by the Supreme Court of the State of New York, County of Kings. That state court lawsuit provided Eagle Eye Advance LLC with prejudgment injunctive relief but other parties claiming an interest in the Estate Funds were not parties to the action.

3. All the parties claiming an interest in the Estate Funds may assert their rights in Empire's bankruptcy case.

4. Empire has demonstrated a substantial likelihood that it will prevail on the merits of its claims in this proceeding.

5. The balance of harm to the parties weighs in favor of Empire. Empire needs funds in order to continue the operation of its business. Absent the funds, Empire will not be able to pay its direct operating expenses and obtain goods and services needed to carry on its business during this sensitive period in a manner that will avoid immediate and irreparable harm to Empire's estate.

6. Turnover of the Estate Funds in this case will not adversely affect the Defendants. All the parties claiming an interest in the Estate Funds may assert their rights and exercise their remedies in Empire's bankruptcy case consistent with state and bankruptcy law. Turnover, thus, will simply move the pre-petition dispute to the bankruptcy court.

7. Accordingly, the balance of the equities and public interest weigh in favor of granting the relief sought by Empire.

### **FOR THESE REASONS,**

The Court **ORDERS** that Chase Bank, its officers agents, servants, employees, attorneys, and all persons acting in concert with them to immediately turn over all Estate Funds to Empire by wiring such funds to:

Empire Countertops, LLC  
Debtor in Possession, Ch11 Case #22-41686 (ETX)  
Wells Fargo Wiring Routing Number: 121000248  
Account Number: xxx4110<sup>1</sup>

The Court further **ORDERS** that Block Inc., its officers, agents, servants, employees, attorneys, and all persons acting in concert with them immediately turn over all Estate Funds to Empire by wiring such funds to:

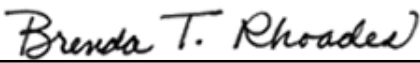
Empire Countertops, LLC  
Debtor in Possession, Ch11 Case #22-41686 (ETX)  
Wells Fargo Wiring Routing Number: 121000248  
Account Number: xxx.4110<sup>2</sup>

The Court further **ORDERS** that Empire segregate Chase Bank's and Block Inc.'s portion of the Estate Funds into two separate Debtor in Possession accounts.

The Court further **ORDERS** that Empire may not spend or use the funds without further order of the Court authorizing the use of the Estate Funds.

The Court further **ORDERS** that Eagle Eye Advance LLC and The LCF Group, Inc. will take any steps required on its part to comply with the turnover relief granted herein.

Signed on 12/16/2022

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HONORABLE BRENDA T. RHOADES,  
CHIEF UNITED STATES BANKRUPTCY JUDGE

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<sup>1</sup> The full account number for the wire will be provided to you by Empire's representative upon the presentment of this order or by request made to counsel, Clayton L. Everett, at [clayton@norredlaw.com](mailto:clayton@norredlaw.com) or 817-778-9975.

<sup>2</sup> The full account number for the wire will be provided to you by Empire's representative upon the presentment of this order or by request made to counsel. Clayton L. Everett, [clayton@norredlaw.com](mailto:clayton@norredlaw.com) or 817-778-9975.